

AMENDED IN ASSEMBLY MAY 26, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2900

**Introduced by Assembly Member Plescia
(Principal coauthor: Assembly Member Wolk)**

February 24, 2006

An act to add Chapter 12 (commencing with Section 5860) to Division 5 of the Public Resources Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2900, as amended, Plescia. California Natural Landmarks Program.

Existing federal law establishes the National Natural Landmarks Program to focus attention on areas of exceptional natural value to the nation. Existing federal law requires the National Parks Service to administer the National Natural Landmarks Program and establishes procedures and requirements for designating an area as a national natural landmark.

This bill would enact a similar program, called the California Natural Landmarks Program. The bill would establish a procedure for designating, modifying, and rescinding *the* designation of, California natural landmarks, and would require the owner of the property so designated to initiate or agree to that designation, as specified. The bill would require an owner who initiates a request to designate his or her property as a California natural landmark to pay for the costs of determining that designation, as specified. The bill would provide that designation as a California natural landmark does not change the area's ownership; is not a land withdrawal; does not dictate activity; and does not require, mandate, or authorize, under state law, any

further state or local planning, zoning, or other land-use action or decision. The bill would provide that an owner who agrees to have his or her property designated as a California natural landmark does not give up, without his or her consent, under state law, any legal rights or privileges of ownership or use of the area.

This bill would provide that the designation of a property as a California natural landmark shall have no effect upon the applicability or requirements of the California Environmental Quality Act (~~commencing with Section 21000~~) of the Public Resources Code (~~hereinafter CEQA~~) for projects on or near that property.

The bill would require the Department of Parks and Recreation to administer the program. The bill would require the department to comply with specified procedural and substantive requirements for designation of California natural landmarks, to prepare a specified annual report relating to California natural landmarks, and to maintain the California Registry of Natural Landmarks.

The bill would exempt actions taken under the California Natural Landmarks Program from the requirements of CEQA.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 12 (commencing with Section 5860) is
2 added to Division 5 of the Public Resources Code, to read:

3
4 CHAPTER 12. CALIFORNIA NATURAL LANDMARKS PROGRAM

5
6 5860. The Legislature finds and declares all of the following:

7 (a) The procedures in this chapter set forth the processes and
8 criteria for identifying, evaluating, designating, and monitoring
9 California natural landmarks.

10 (b) The California Natural Landmarks Program focuses
11 attention on areas of exceptional natural value to the state as a
12 whole rather than to one particular region or locality. The
13 program encourages the owners of California natural landmarks
14 to voluntarily observe preservation precepts.

15 (c) The California Natural Landmarks Program identifies and
16 preserves natural areas that best illustrate the biological and
17 geological character of the state, enhances the scientific and

1 educational values of preserved areas, strengthens public
2 appreciation of natural history, and fosters a greater concern for
3 the conservation of the state's heritage.

4 (d) Many of the state's most important biological, ecological,
5 and geological features are found either partly or entirely on
6 privately owned land.

7 (e) There is a need to recognize and promote private as well as
8 public stewardship of natural resources for the public benefit.

9 (f) It is the intent of the State of California through the
10 California Natural Landmarks Program to recognize and promote
11 partnerships resulting in the stewardship of natural resources on
12 privately and publicly owned land.

13 5861. As used in this chapter, the following terms have the
14 following meanings, unless the context clearly requires
15 otherwise:

16 (a) "California natural landmark" means an area designated by
17 the ~~Secretary of the Resources Agency~~ *director* as being of state
18 significance to California because it is an outstanding example of
19 major biological and geological features found within the
20 boundaries of the state.

21 (b) "California Registry of Natural Landmarks" means the
22 official listing of all designated California natural landmarks.

23 (c) "Department" means the Department of Parks and
24 Recreation.

25 (d) "Director" means the Director of Parks and Recreation.

26 (e) "Natural region" means a distinct physiographic province
27 having similar geologic history, structures, and land forms. The
28 basic physiographic characteristics of a natural region influence
29 its vegetation, climate, soils, and animal life.

30 (f) (1) "Owner" means the person, corporation, or partnership
31 that holds fee simple title to real property, or its agent, or the
32 head of the public agency or subordinate employee of the public
33 agency to whom that authority is delegated, who is responsible
34 for administering publicly owned land and who has presented
35 satisfactory evidence of his or her legal right to represent the
36 interests of the subject land.

37 (2) "Owner" does not include a person, partnership,
38 corporation, or public agency that holds, in any form, an
39 easement or less than a fee interest, including any leasehold that

1 is not tantamount to fee ownership, or does not have authority to
2 act on behalf of the property.

3 (3) (A) A Native American tribe that is the beneficial fee
4 simple owner of real property, with the United States as trustee,
5 is an owner of real property for the purposes of this chapter.

6 (B) A member of a Native American tribe who is the
7 beneficial owner of real property, held in trust by the United
8 States, is an owner of real property for the purposes of this
9 chapter.

10 (g) “Potential California natural landmark” means an area that,
11 based on a recommendation or initial comparison with other
12 areas within the state or in the same natural region, seems to
13 merit further study of its qualifications for possible California
14 natural landmark designation.

15 (h) “Prejudicial procedural error” means a procedural error
16 that reasonably may be considered to have affected the outcome
17 of the designation process.

18 (i) “Real property” for the purposes of this chapter shall not
19 include land owned by the federal government, unless the agency
20 owning the land requests its inclusion, and the director
21 determines that its inclusion is feasible and in the best interests of
22 the program.

23 (j) “Representative” means a public or private individual,
24 agency, or organization that is performing actions related to the
25 identification, evaluation, designation, or monitoring of a
26 California natural landmark, on behalf of or in cooperation with
27 the department, either under a contractual agreement or in a
28 volunteer capacity.

29 (k) “Scientist” means a person whose combination of
30 academic training and professional field experience in the natural
31 region qualifies him or her to identify and comparatively evaluate
32 a natural area at the regional or state level.

33 ~~(l) “Secretary” means the Secretary of the Resources Agency.~~

34 ~~(m)~~

35 (l) “State significance” means an area that is one of the best
36 examples of a biological community or geological feature within
37 a natural region of the state, including a terrestrial community,
38 land form, geological feature and process, habitat of native plant
39 and animal species, or fossil evidence of the development of life.

1 5862. (a) Designation of an area by the ~~secretary~~ *director* as
2 a California natural landmark does not change the area's
3 ownership, is not a land withdrawal, and does not dictate activity.

4 (b) Designation as a California natural landmark does not
5 require, mandate, or authorize, under state law, any further state
6 or local planning, zoning, or other land-use action or decision.

7 (c) An owner who agrees to have his or her property
8 designated as a California natural landmark does not give up
9 without his or her consent, under state law, any legal rights and
10 privileges of ownership or use of the area.

11 (d) The department does not gain a property interest in a
12 California natural landmark by virtue of that designation.

13 (e) Designation of an area as a California natural landmark
14 shall have no effect on the applicability and requirements of
15 Division 13 (commencing with Section 21000) to projects in or
16 near the designated area and shall not constitute a change in the
17 environment, as defined by Section 21060.5.

18 (f) Designation of an area as a California natural landmark is
19 not a project and shall not be referenced or referred to in a
20 document prepared pursuant to Division 13 (commencing with
21 Section 21000) for projects in or near a designated area.

22 5863. (a) Except as provided in Section 5872, a potential
23 California natural landmark shall be identified only in the
24 following manner:

25 (1) An owner may request the department to designate his or
26 her property as a California natural landmark. If the designation
27 is proposed to apply to multiple properties, the proposal shall
28 include the written consent of the owners of all included
29 properties.

30 (2) Upon the owner initiating a request pursuant to paragraph
31 (1), the department shall prepare an estimate of the cost of
32 studies to determine whether the property qualifies as a
33 California natural landmark; the department's costs, including
34 administrative and staffing costs, in determining whether to
35 designate the property as a California natural landmark; and any
36 other costs attributed to making those determinations. The
37 department shall also prepare a list of scientists qualified to do
38 any studies required to determine whether the property should be
39 designated as a California natural landmark. The list shall include
40 both scientists employed by the state and scientists not employed

1 by the state. A qualified scientist shall be familiar with the
2 natural region and its types of biological and geological features.

3 (3) (A) An owner who initiates a request to designate his or
4 her property as a California natural landmark is responsible for
5 all costs of determining whether the property qualifies for that
6 designation, as well as any costs of actual designation.

7 (B) (i) If the owner accepts the estimate prepared pursuant to
8 paragraph (2), and wishes to continue with the request for his or
9 her property to be designated as a California natural landmark, he
10 or she shall agree in writing to pay the costs estimated by the
11 department pursuant to paragraph (2) and choose a scientist from
12 the list prepared by the department pursuant to paragraph (2) to
13 do any required studies.

14 (ii) The owner may at any time cancel his or her request for
15 California natural landmark designation and any studies being
16 conducted pursuant to that request, and is responsible only for
17 costs incurred in pursuit of that designation prior to the
18 cancellation. *If the owner cancels his or her request for*
19 *California natural landmark designation, or the designation is*
20 *denied, information already submitted or developed at the*
21 *expense of the owner shall be returned to him or her.*

22 (b) (1) The department, as well as any scientist performing
23 studies required by the department to make a determination of
24 whether to designate property as a California natural landmark,
25 shall obtain the owner's permission before entering the owner's
26 property for purposes of this chapter, except when the property is
27 publicly owned and open to the public. The owner shall not
28 unreasonably withhold permission.

29 (2) The department may make a determination regarding the
30 property, required by this chapter, using other information,
31 including information that was previously gathered by other
32 federal or California agencies or gained from other scientific
33 studies. The department shall notify the owner if it makes a
34 determination regarding his or her property from existing
35 information that does not require the department to enter the
36 owner's property.

37 5864. (a) The department shall use the state significance
38 criteria in Section 5868 to evaluate the potential California
39 natural landmark. The department shall evaluate the potential
40 California natural landmark on a statewide and regional basis,

1 and may compare similar areas that represent a particular type of
2 feature located in the same natural region to identify examples
3 that are among the most illustrative and have the most integrity.

4 (b) The evaluation required by subdivision (a) shall be
5 performed by the scientist chosen by the owner pursuant to
6 subparagraph (B) of paragraph (3) of subdivision (a) of Section
7 5863. The scientist shall make a detailed description of the area,
8 and assess its statewide and regional standing using the state
9 significance criteria in Section 5868 and any additional
10 information provided by the department.

11 (c) At least three peer reviewers, who are scientists familiar
12 with the biological or geological features of the area or natural
13 region, shall review the evaluation completed pursuant to
14 subdivision (b). The peer reviewers shall provide the department
15 with information on the scientific merit and strength of
16 supportive documentation in the evaluation.

17 5865. (a) On the basis of the evaluation and the findings of
18 the peer reviewers, made pursuant to Section 5864, the
19 department shall determine either that the property does or does
20 not appear to qualify for California natural landmark designation
21 or that it requires additional information before a decision
22 regarding the property's designation as a California natural
23 landmark can be made.

24 (b) If the department determines that the property does not
25 appear to qualify for California natural landmark designation, the
26 department shall notify the owner in writing of that
27 determination, including reasons therefor.

28 (c) (1) If the department determines that the property meets
29 the state significance criteria in Section 5868, the department
30 shall notify the owner in writing of that determination. The
31 department shall include in the notice, all of the following:

32 (A) The procedures that the department follows in making its
33 determination.

34 (B) The effect of California natural landmark designation, as
35 defined in Section 5861 and as described in Section 5862.

36 (C) A copy of the evaluation made pursuant to subdivision (b)
37 of Section 5864.

38 (D) An opportunity for the owner to comment.

1 (2) (A) The department shall also notify appropriate interested
2 parties of the determination as the director deems appropriate,
3 including all of the following:

4 (i) The executive of the local governmental jurisdiction in
5 which the property is located.

6 (ii) The Governor.

7 (iii) Members of the Legislature who represent the district in
8 which the property is located.

9 (B) The notice shall include both of the following:

10 (i) The procedures that the department follows in making its
11 determination.

12 (ii) The effect of California natural landmark designation, as
13 described in Section 5862.

14 (3) Notification of and receipt of any comments pursuant to
15 this section are the department's responsibility, and the
16 department shall not delegate that responsibility to a
17 representative.

18 5866. (a) The department shall review all documentation
19 related to designation of the property as a California natural
20 landmark, including, but not limited to, the evaluation and peer
21 review findings made pursuant to Section 5864 and comments
22 received pursuant to Section 5865, to determine whether the
23 property meets the state significance criteria in Section 5868.

24 (b) If the department determines that the property does not
25 meet the state significance criteria in Section 5868, the
26 department shall notify the owner in writing, as well as interested
27 parties notified pursuant to subparagraph (A) of paragraph (2) of
28 subdivision (c) of Section 5865, that the property is no longer
29 being considered for California natural landmark designation.
30 ~~The requesting owner may appeal this determination to the~~
31 ~~secretary, who shall consider it pursuant to the criteria of Section~~
32 ~~5868.~~

33 (c) The director shall review the documentation specified in
34 subdivision (a) ~~of Section 5866~~ that demonstrates that the
35 property meets the state significance criteria in Section 5868.

36 5867. (a) If the director determines that the requirements of
37 this chapter are met for California natural landmark designation,
38 including the consent of the owner to that designation, the
39 ~~director shall submit the documentation specified in subdivision~~
40 ~~(a) of Section 5866, to the secretary for consideration of whether~~

1 ~~the property should be designated as a California natural~~
2 ~~landmark.~~

3 ~~(b) (1) The secretary shall review the material submitted by~~
4 ~~the director pursuant to subdivision (c) of Section 5866 and any~~
5 ~~other documentation and determine whether the property should~~
6 ~~be designated as a California natural landmark. If the secretary~~
7 ~~makes an affirmative determination, the secretary shall designate~~
8 *director shall designate* the property as a California natural
9 landmark.

10 ~~(2) If the secretary~~

11 *(1) If the director* designates the property as a California
12 natural landmark, the department shall notify the owner, as well
13 as interested parties notified pursuant to subparagraph (A) of
14 paragraph (2) of subdivision (c) of Section 5865, of that
15 designation.

16 ~~(3)~~

17 (2) The property shall be added to the California Registry of
18 Natural Landmarks.

19 ~~(e)~~

20 *(b) (1)* If the owner of the property requests it, after the
21 ~~secretary~~ *director* designates the property as a California natural
22 landmark, the department may provide the owner, at no cost to
23 the owner, with a certificate, signed by the ~~secretary and the~~
24 director, that recognizes the owner's interest in protecting and
25 managing the property in a manner that prevents the loss or
26 deterioration of the values on which California natural landmark
27 designation is based.

28 (2) The department may also provide, at the cost of the owner,
29 a plaque for display in or near the California natural landmark.
30 Upon the owner's request, and to the extent the department's
31 resources permit, the department may help arrange and
32 participate in a presentation ceremony. After presentation of a
33 plaque, the department retains ownership of the plaque. If the
34 California natural landmark designation is rescinded, the
35 department may reclaim the plaque.

36 (3) By accepting a certificate or plaque, the owner does not
37 give up any of the rights or privileges of ownership or use of the
38 California natural landmark, and the department ~~and the~~
39 ~~Resources Agency~~ *do* does not acquire any interest in the
40 California natural landmark.

1 5868. Property may be considered for designation if its
2 significant features are either of natural origin and remain largely
3 wild and undisturbed, or have the salient characteristics of
4 natural features, including function and appearance, but have
5 been subject to human intervention or use. The department shall
6 use the following criteria to evaluate whether a property is one of
7 state significance:

8 (a) Primary criteria for a specific type of natural feature is the
9 main basis for selection of property as being of state significance.
10 Primary criteria consist of both of the following:

11 (1) Illustrative character, which requires the property to
12 exhibit a combination of well-developed components that are
13 recognized in the appropriate scientific literature as characteristic
14 of a particular type of natural feature. Generally, the property
15 should be unusually illustrative, rather than merely statistically
16 representative.

17 (2) Present conditions, which require that the integrity of the
18 significant features of the property has been maintained,
19 enhanced, or restored.

20 (b) Secondary criteria may be used to supplement the
21 comparison of two or more similar properties pursuant to the
22 primary criteria specified in subdivision (a). Secondary criteria
23 consist of all of the following:

24 (1) Diversity, which requires property, in addition to its
25 primary natural feature, to contain high quality examples of other
26 biological or geological features or processes.

27 (2) Rarity, which requires property, in addition to its primary
28 natural feature, to contain rare geological or paleontological
29 features or natural communities, or to provide high quality
30 habitat for one or more rare, threatened, or endangered species.

31 (3) Value for science and education, which requires the
32 property to contain known or potential information as a result of
33 its association with a significant scientific discovery, concept, or
34 exceptionally extensive and long-term record of onsite research,
35 with the result that the property offers unusual opportunity for
36 public interpretation of the natural history of the state.

37 5869. (a) (1) The department may modify California natural
38 landmark boundaries, or revise information about a California
39 natural landmark, if it determines that modification or revision is

1 necessary. Before considering a proposed modification or
2 revision, the department shall consult with the affected owner.

3 (2) (A) Federal, state, or local agencies, as well as other
4 public and private organizations or individuals, may suggest to
5 the department modifications of California natural landmark
6 boundaries or revisions of information about a California natural
7 landmark.

8 (B) The department shall determine the validity of a
9 suggestion made pursuant to subparagraph (A) by applying the
10 state significance criteria in Section 5868 or by conducting
11 additional studies.

12 (b) Before the department expands the boundaries of a
13 California natural landmark, it shall determine that one of the
14 following apply:

15 (1) There is better documentation of the extent of features of
16 state significance.

17 (2) There was professional error in the original designation of
18 the California natural landmark.

19 (3) The owner of the land included in the proposed expansion
20 has requested that their property be included in the California
21 natural landmark.

22 (c) If the department determines that expansion of a California
23 natural landmark's boundaries is appropriate, the department
24 shall use the designation process outlined in Sections 5864, 5865,
25 and 5866 to expand the boundaries. All of the owners of the
26 property into which the boundaries are expanded, as well as the
27 owner of the previously designated property, are required to
28 agree to the expansion.

29 (d) Before the department reduces the boundaries of a
30 California natural landmark, it shall determine that one of the
31 following apply:

32 (1) There has been loss of integrity of the natural features of
33 the California natural landmark, but not to the extent that requires
34 the rescission of the landmark designation.

35 (2) There was professional error in the original designation of
36 the California natural landmark.

37 (3) A landowner has requested the reduction or rescission of
38 designation.

39 (e) If the department determines that reduction of a California
40 natural landmark's boundaries is appropriate, the department

1 shall follow the designation rescission process specified in
2 Section 5870.

3 (f) (1) If the department determines, with the consent of the
4 owner, that a change in the description of a California natural
5 landmark's values of state significance is appropriate, the
6 department shall prepare the recommended changes ~~and the~~
7 ~~director shall make a recommendation to the secretary of whether~~
8 ~~the description of the California natural landmark's values of~~
9 ~~state significance is appropriate.~~

10 (2) ~~The secretary~~ *director* shall review the information
11 ~~submitted by the director and based on that information and~~
12 ~~recommendation~~ may approve changes in the description of the
13 California natural landmark's values of state significance.

14 (g) (1) The director may, ~~without the approval of the~~
15 ~~secretary~~, approve minor technical corrections to the boundaries
16 of a California natural landmark, as well as other administrative
17 changes in landmark documentation not covered in subdivisions
18 (a) to (f), inclusive.

19 (2) For purposes of paragraph (1), minor technical boundary
20 corrections are those that involve a change in less than 5 percent
21 of the total area of the California natural landmark, and to which
22 the owner of the California natural landmark agrees.

23 (3) The department shall notify the owner of a California
24 natural landmark for which minor technical boundary corrections
25 or other administrative changes in documentation are being
26 considered. Based on the owner's response to the notification, the
27 department shall determine whether the proposed change is a
28 minor technical correction to landmark documentation that can
29 be made administratively.

30 5870. (a) The department shall rescind a California natural
31 landmark designation if one or more of the following
32 circumstances apply:

33 (1) The owner of a California natural landmark requests the
34 department to rescind that designation.

35 (2) An error in professional judgment was made in such a
36 manner that the site did not meet the criteria for state significance
37 at the time it was designated.

38 (3) The values that originally qualified the California natural
39 landmark for designation have been significantly degraded, lost,

1 or destroyed, as demonstrated by evidence provided to the
2 ~~secretary~~ director.

3 (4) Applicable designation procedures were not followed
4 because of prejudicial procedural error.

5 (b) (1) An owner of a California natural landmark may initiate
6 rescission of the designation by submitting to the director a
7 request for rescission of designation, stating the reason therefor.
8 Upon a determination that the request is complete, the
9 designation shall either be rescinded pursuant to the procedures
10 of this section or, if the landmark has other owners as well, its
11 boundaries shall be amended pursuant to Section 5869 and this
12 section to exclude the owner's land.

13 (2) Within 60 days of receiving a rescission request, the
14 department shall notify the person who submitted the request of
15 whether the department considers the documentation sufficient to
16 consider rescission of California natural landmark designation, or
17 whether the boundaries will be amended to exclude the owner's
18 land.

19 (c) The department shall review the information outlining the
20 grounds for rescission of California natural landmark status.
21 When the department determines it is necessary, an onsite
22 evaluation of the area may be made, using the procedure
23 described in Sections 5863 and 5864. Based on all available
24 information, the department shall determine whether the
25 California natural landmark no longer merits that designation.

26 (d) (1) If the department determines that a California natural
27 landmark no longer merits that designation, the department shall
28 notify the owner and interested parties specified in subparagraph
29 (A) of paragraph (2) of subdivision (c) of Section 5865.

30 (2) (A) The owner and other interested parties notified
31 pursuant to paragraph (1) may comment within 60 days of the
32 date of the notice ~~before the director recommends rescission of a~~
33 ~~California natural landmark designation to the secretary.~~

34 (B) The director shall consider all comments received pursuant
35 to subdivision (A) in the review and decision to rescind
36 California natural landmark designation.

37 (e) The director shall review the information about a
38 recommended rescission of the California natural landmark
39 designation and determine whether the procedural requirements
40 of this section have been met. If the director confirms that those

1 requirements have been met and that one or more of the
2 circumstances specified in subdivision (a) apply, he or she shall
3 ~~submit a recommendation for rescission to the secretary. If the~~
4 ~~secretary determines that the California natural landmark~~
5 ~~designation should be rescinded because one or more of the~~
6 ~~circumstances specified in subdivision (a) applies, he or she shall~~
7 ~~direct the director to~~ rescind the designation and remove the
8 property from the California Registry of Natural Landmarks. Any
9 property from which designation as a California natural landmark
10 is rescinded because of prejudicial procedural error described in
11 paragraph (4) of subdivision (a) continues to meet the criteria for
12 state significance.

13 (f) If a California natural landmark is removed from the
14 California Registry of Natural Landmarks, the department shall
15 notify in writing the owner of the landmark and interested parties
16 specified in subparagraph (A) of paragraph (2) of subdivision (c)
17 of Section 5865. The department may reclaim a California
18 natural landmark plaque when a landmark is removed from the
19 California Registry of Natural Landmarks.

20 5871. (a) The department may enter into a contract or other
21 type of agreement with another state agency, federal agency,
22 local agency, private organization, owner, Native American tribal
23 government, or other interested individual or group, to assist in
24 administering the California Natural Landmarks Program. The
25 contract or agreement may include, but is not limited to,
26 provisions about identification, evaluation, or monitoring a
27 California natural landmark. However, any contract or agreement
28 shall not authorize an entity, other than the department, to
29 administer the provisions of this act with respect to an individual
30 natural landmark, without the consent of the owner of the
31 property included within the landmark.

32 (b) The department may conduct educational and scientific
33 activities to disseminate information on California natural
34 landmarks, the California Natural Landmarks Program, and
35 benefits derived from systematic surveys of significant natural
36 features, to the general public, interested local, state, and federal
37 agencies, and private groups. The department may restrict
38 information on ecologically or geologically fragile or sensitive
39 areas, if release of that information may endanger or harm the
40 sensitive resources.

1 (c) The owner of a designated California natural landmark
2 may disseminate information about the property's status as a
3 natural landmark in educational and other potential materials.

4 5872. Notwithstanding any other provision of law, in order to
5 facilitate the cost-effective use of the program with respect to
6 interpretive activities for its own lands, the department may
7 develop and adopt streamlined and expedited procedures for
8 ~~designated~~ *designating* property that it owns as a California
9 natural landmark.

10 5873. An action by the director, ~~the department, or the~~
11 ~~secretary or the department~~ pursuant to this chapter designating,
12 modifying, or rescinding the designation of a California natural
13 landmark shall be exempt from the requirements of Division 13
14 (commencing with Section 21000).